

RESPONSE TO OFFICE ACTION

Claims 1-20 are pending.

Claim Rejection – 35 USC § 103(a)

Claims 1-7, 9-13 and 18-20 stand rejected under 35 U.S.C. § 103(a), as being allegedly obvious in light of U.S. Patent No. 6,018,717 to Lynch, in view of U.S. Patent No. 6,374,237 to Reese. For the reasons that follow, Applicants respectfully traverse this rejection.

A. Claims 1, 9 and 18:

Lynch discloses an automated travel planning system including a database comprising certain travel agency portfolio information. (See Lynch, col. 3, line 63-col. 4, line13.) This information is said to include the travel agency's preferences in terms of air carriers, automobile rental agencies, hotels, etc. (Id.) The stated goal of the automated travel planning system of Lynch is to provide a travel itinerary that balances the preferences of an individual traveler with those of his travel agency. (Lynch, at col. 4, lines 18-24.) Reese discloses a method of searching the Internet, wherein a matching server compares data in an aggregate database to a user profile supplied by a user. (Reese, at col. 7, lines 47-52.)

Applicants' invention, in contrast, is concerned with providing a user with personalized information comprising contributor content records, based in part upon a comparison of the user's profile record with at least two contributor profile records.

The present Office Action takes the position, as understood by Applicants, that the travel agency portfolio information in Lynch simultaneously corresponds to each of (i) the plurality of contributor content records, (ii) the plurality of contributor profile records, and (iii) the corresponding descriptor information, as required in claims 1, 9 and 18 of the present invention.

(Office Action, at pages 2-3.) For support, the Office Action refers to Lynch, at col. 3, line 63-col. 4, line 13. Applicants respectfully traverse this position.

As noted above, the cited portion of Lynch discloses certain types of travel agency portfolio information, including a travel agency's preferences in terms of air carriers, automobile rental agencies, hotels, etc. To the extent that the present Office Action deems this information to be a contributor profile record, then Lynch would appear not to disclose contributor content records. Alternatively, to the extent that the Office Action deems this information to be a contributor content record, then Lynch would not appear to disclose or suggest contributor profile records. In either case, what is missing from Lynch is contributor content records and contributor profile records that are separate pieces of information within a database. See MPEP § 2143.03 ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.") (emphasis added). For this reason alone, Applicants respectfully submit that the present claim rejections based on Lynch are improper and should be withdrawn.

The Office Action further takes the position that the final travel itinerary or plan provided to the user in Lynch, corresponds to the "personalized information comprising contributor content records" provided in the claims of the present invention. (Office Action, at page 3.) Applicants likewise respectfully traverse this position. (As noted above, it is not clear whether Lynch even discloses contributor content records.) Even if the travel agency portfolio information of Lynch were considered to correspond to Applicants' contributor content records, then Lynch does not anywhere teach providing these content records to the user. While the methods of Lynch make use of the travel agency portfolio information above to provide customized travel plans to a user, the actual travel agency portfolio information is not itself

provided to the user. Accordingly, Lynch does not appear anywhere to teach providing the user with personalized information comprising contributor content records. For this additional reason, Applicants respectfully submit that the claim rejections based on Lynch are improper and should be withdrawn.

Finally, while the Office Action concedes that that Lynch “does not explicitly disclose ‘comparing at least a portion of the user profile record with at least two contributor profile records,’” the Office Action further takes the position that this missing element can be supplied by Reese. (Id.) Applicants respectfully submit that the combination of Lynch with Reese is improper under 35 U.S.C. § 103(a).

It is axiomatic that to establish a *prima facie* case of obviousness under § 103(a), there must be provided some suggestion or motivation to combine references to form the claimed invention. See, e.g., M.P.E.P. § 2143. Moreover, this suggestion or motivation to combine references must be found in the prior art, not in an applicant’s disclosure. Id. In the case of the present obviousness rejection, it is respectfully suggested that there is no suggestion or motivation to combine the teachings of Lynch with those of Reese.

For these reasons, Applicants respectfully submit that the present rejections for claims 1, 9 and 18 are improper and should be withdrawn.

B. Claims 2, 10 and 19:

On page 4 (top paragraph) of the present Office Action, it is alleged that Lynch discloses the use of information submitted by a contributor to increase the number of contributor content records in the database, and that Lynch further discloses the provision of valuable consideration to the contributor in exchange for the submitted information. In support, the Office Action refers to Lynch, at figure 1 and at col. 3, line 53 to col. 4, line 13. However, these sections of Lynch

appear to relate only to the types of information that may be included within the Lynch database. Applicants respectfully submit that there is nothing disclosed in this portion of Lynch that suggests the provision of valuable consideration to a contributor, in return for the contributor's submission of information. Accordingly, Applicants respectfully submit that the rejections for claims 2, 10 and 19 are improper and should be withdrawn.

C. Claim 3:

On page 4 (second paragraph) of the present Office Action, it is alleged that Lynch discloses varying the valuable consideration provided to a contributor, based on the quality of the contributor's contributor content records, wherein such quality is assessed by at least one user. In support, the Office Action refers to Lynch, at col. 5, lines 21-38. However, this section of Lynch appears to relate only to the entry of travel request information and individual and business entity information. There is nothing disclosed in this portion of Lynch that suggests the variation of valuable consideration based on quality or any other parameter. There is nothing disclosed in this portion of Lynch concerning any assessment of the quality of a contributor content record. Accordingly, Applicants respectfully suggest that the rejection for claim 3 is improper and should be withdrawn.

D. Claims 4 and 11:

On page 4 (third paragraph) of the present Office Action, it is alleged that Lynch discloses a plurality of guidebook content records, and descriptor information corresponding to the guidebook content records. It is further alleged that Lynch discloses comparing the user search query and at least a portion of the user profile record, with at least a portion of the descriptor information corresponding to a guidebook content record. It is alleged further still that Lynch discloses providing additional personalized information comprising guidebook

content records, based upon the results of the preceding comparison. In support, the Office Action refers to Lynch, at col. 3, line 53 to col. 4, line 13. However, this section of Lynch does not appear to make any reference to the provision of guidebook-type content records of any kind. Accordingly, Applicants respectfully suggest that the rejections for claims 4 and 11 are improper and should be withdrawn.

E. Claim 20:

On page 6 of the present Office Action, it is alleged that Lynch discloses means for receiving foundation content, means for comparing a user profile record and a user search query with the foundation content, and means for generating additional personalized information comprising selected foundation content records based upon the user profile record and the user search query. In support, the Office Action refers to Lynch, at col. 7, line 41 to col. 8, line 17. Foundation content according to the present invention includes records created not from information provided by contributors, but from information provided by other sources, such as commercial or governmental information providers. Foundation content may include electronic versions of travel guidebooks from established companies, and/or information from consumer protection groups, governmental agencies, or the like.

The referenced portion of Lynch does not make any reference to the receipt, use or provision to a user of foundation content. At most, the referenced portion of Lynch discloses the use of travel agency portfolio information (which the present Office Action contends corresponds with contributor records), together with individual traveler preference information, to provide a travel itinerary or plan.

Accordingly, Applicants respectfully suggest that the present rejection for claim 20 is improper and should be withdrawn.